

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

KYONG HUI LANE

V.

TARGET CORPORATION

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§

CASE NO. C-05-306

**DEFENDANT TARGET CORPORATION'S
REQUEST FOR ENTRY OF BILL OF COSTS**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW the prevailing party, Defendant, Target Corporation ("Target"), and files this its request for entry of its bill of costs pursuant to Federal Rule of Civil Procedure 54(d)(1).

A. Introduction

1. Plaintiff, Kyong Hui Lane, sued Defendant, Target, claiming personal injuries as a result of a "slip and fall." On November 7, 2006, this Court entered final judgment in favor of Target, the prevailing party, after a jury verdict in Target's favor.

B. Authority

2. The prevailing party is entitled to an award of all taxable costs incurred in litigating a dispute. Fed. R. Civ. P. 54(d)(1). When, as in this case, a judgment is silent as to costs and there has been no contrary ruling, there is a presumption that costs were awarded. *See, e.g., Matei v. Cessna Aircraft Co.*, 35 F.3d 1142, 1148 (7th Cir.1994).

3. Filed separately is Target's Bill of Costs which sets forth those taxable costs allowed under 28 U.S.C. §1920. These costs are correctly stated and actually and necessarily incurred. These costs were either paid or the obligation to pay these costs was actually incurred.

WHEREFORE, Target Corporation requests that its Bill of Costs be entered, and for such other and further relief to which it may be justly entitled.

Respectfully submitted,

/s/ Ralph F. Meyer

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**ATTORNEYS FOR EFENDANT
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OF COUNSEL:

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CERTIFICATE OF CONSULTATION

I certify that counsel, Timothy D. McMurtrie has conferred with plaintiff's counsel Christopher Gale on or about November 21, 2006, and Plaintiff opposes the relief requested.

/s/ Ralph F. Meyer

OF ROYSTON, RAYZOR, VICKERY WILLIAMS, L.L.P.

CERTIFICATE OF SERVICE

I certify that the foregoing instrument was served by the means indicated to the counsel listed below on this 21st day of November, 2006.

VIA ELECTRONIC OR CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Christopher J. Gale
Gale, Wilson & Sanchez, P.L.L.C.
115 E. Travis St, Suite 618
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/s/ Ralph F. Meyer

OF ROYSTON, RAYZOR, VICKERY WILLIAMS, L.L.P.